

### **REMARKS**

In the Notice of Incomplete Response mailed on January 26, 2006 (paper no. 20060120), the Examiner indicated that claims amendments made in applicants' November 2, 2005 response were inconsistent with applicants' earlier election. Applicants herein reverse these claim amendments to address the Notice of Incomplete Response. Applicants further respond to the substance of the prior art rejections made in the August 2, 2005 Office Action. For the reasons described below, applicants submit that this application is now in condition for allowance.

#### **Claims Rejections - 35 USC §103**

Claims 1, 2 and 9 are rejected under 35 U.S.C. §103(a) over Rappoport (USP 6,828,963 B1) in view of Official Notice.

Claims 4-10 and 12-16 are rejected under 35 U.S.C. §103(a) over Rappoport as applied to claim 1 above, and further, in view of "PTC: Siebel Systems and PTC create strategic alliance to leverage enriched information across product development, sales and service; Combination of Siebel eBusiness Applications and PTC Collaborative Product Development solutions to deliver competitive advantage"; M2 Presswire; Coventry; Jan 24, 2002 and hereafter referred to as "PTC".

#### **Claims 1, 2, and 9**

In the Office Action, Claims 1, 2 and 9 -- presented herein as claims 24, 25, and 26, respectively -- were rejected under 35 U.S.C. §103(a) as being unpatentable over Rappoport (USP 6,828,963 B1) in view of Official Notice. It is respectfully submitted that Rappoport is inappropriately cited as prior art because Rappoport discloses exporting and importing of CAD models that has nothing to do with product management applications. The Office Action states that "CAD models and associated information systems...are synonymous with a product and product information systems." It is respectfully submitted

that CAD models are not at all synonymous with the product applications for managing product life-cycles.

The Office Action further states "the Examiner takes Official Notice, it would have been obvious to one of ordinary skill in the art have [sic] extended the method and medium of Rappoport with a naming convention of product management system." It is respectfully submitted that it is inappropriate for the Examiner to take Official Notice without documentary evidence where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well known. As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute" (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)). The official notice as stated in the Office Action is not capable of instant and unquestionable demonstration as being well known. MPEP 2144.03(C) provides that "if the Applicant challenges a factual assertion as not properly Officially Noticed or not properly based upon common knowledge, the Examiner must support the finding with adequate evidence." Thus, it is respectfully submitted that the Examiner provide adequate evidence to support his finding.

#### Claims 4-10, 12-16

Claims 4-10 and 12-16 are rejected under 35 U.S.C. §103(a) over Rappoport, and further in view of PTC. As previously mentioned, Rappoport is inappropriately cited.

Claims 4-8, and 12-16 depend either directly or indirectly on an allowable base claim such as Claim 24 or Claim 26 and thus are allowable for at least that reason. Further, Claims 4-8, and 12-16 include features that independently render them allowable over the cited art.

## **CONCLUSION**

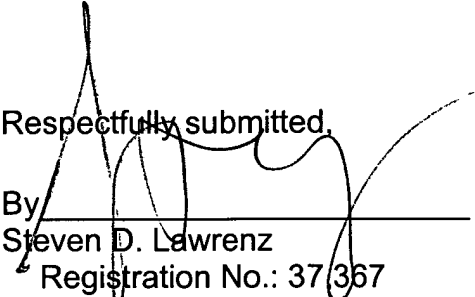
In view of the above amendment, applicants believe the pending application is in condition for allowance.

The Commissioner is hereby authorized to charge shortages or credit overpayment to our Deposit Account No. 50-065, under Order No. 384818045US1 from which the undersigned is authorized to draw.

Dated:

May 25, 2006

Respectfully submitted,

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